

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ZACHARY GEREN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELE GEREN,

Respondent-Appellant,

and

DOUGLAS GEREN, SR.,

Respondent.

UNPUBLISHED

April 11, 2000

No. 220227

Hillsdale Circuit Court

Family Division

LC No. 98-028900 NA

Before: Zahra, P.J., and White and Hoekstra, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order of the family court terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(i), (j) and (l); MSA 27.3178(598.19b)(3)(i), (j) and (l).¹ We affirm.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant failed to show that termination of her parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5), *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Brian K. Zahra

/s/ Helene N. White

/s/ Joel P. Hoekstra

¹ Although the family court failed to specifically identify the statutory bases under which it terminated respondent-appellant's parental rights, contrary to MCR 5.974(G)(3), it is clear from the allegations in the petition and the court's findings on the record, which were specifically incorporated in the order of termination, that the court terminated respondent-appellant's parental rights pursuant to §§ 19b(3)(i), (j) and (l). Respondent-appellant does not challenge the court's failure to specify the statutory bases for termination. We recognize that because respondent-appellant never had care and custody of Zachary, termination under § 19b(3)(g) would have been improper.